

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

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Robin Repasky,

Plaintiff,

v.

Pfizer, Inc.; Tom Malick; Eric Digieso;  
David Wagner; and Kathy Spencer-Pike,

Defendants.

No. 2:12-cv-3331-RMG

**ORDER**

This matter comes before the Court with two motions to dismiss pending: one filed by Defendants Tom Malick, David Wagner, and Kathy Spencer-Pike, (Dkt. No. 5), and the other filed by Defendant Eric Digieso, who also moved to strike, (Dkt. No. 12).

This action was originally filed on November 20, 2012, (Dkt. No. 1), and referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636(b)(1)(A) and Local Civil Rule 73.02(B)(2)(g) DSC. These motions to dismiss were filed on January 22, 2013, (Dkt. No. 5), and February 14, 2013, (Dkt. No. 12), respectively. On July 10, 2013, the Magistrate Judge issued a Report and Recommendation, (“R&R”), recommending that the motion filed by Defendants Tom Malick, David Wagner, and Kathy Spencer-Pike be granted, and the motion filed by Defendant Eric Digieso be denied. (Dkt. No. 26). No party filed objections to the R&R.

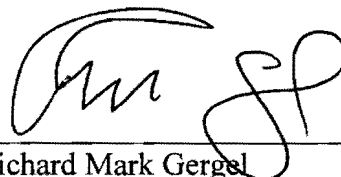
The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1).

Moreover, in the absence of specific objections to the R&R, the Court need not give any explanation for adopting the Magistrate Judge's analysis and recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983).

The Court has carefully reviewed the pleadings and the R&R, and concludes that the Magistrate Judge correctly applied the relevant law to the operative facts in this matter. The Court therefore adopts the Magistrate Judge's Report and Recommendation, (Dkt. No. 26), as the order of this Court. *See Camby*, 718 F.2d at 200.

Accordingly, the motion to dismiss filed by Defendants Tom Malick, David Wagner, and Kathy Spencer-Pike, (Dkt. No. 5), is GRANTED, and the motion to dismiss and to strike filed by Defendant Eric Digieso, (Dkt. No. 12), is DENIED. As there are no longer claims pending against Defendants David Wagner and Kathy Spencer-Pike, those two parties are DISMISSED from this case.

**AND IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read 'RM Gergel', is written over a horizontal line.

Richard Mark Gergel  
United States District Judge

Charleston, South Carolina  
July 31, 2013